

FACTSHEET

TITLE: **WAIVER NO. 03002**, requested by Michael Patterson, to waive the requirement for a pedestrian way easement (§ 26.23.125) and eliminate the construction of a sidewalk in the easement, on property generally located at South 40th Street and Pine Lake Road.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 04/02/03 and 04/16/03
Administrative Action: 04/16/03

STAFF RECOMMENDATION: Denial.

RECOMMENDATION: Approval (5-2: Larson, Bills-Strand, Duvall, Steward and Schwinn voting 'yes'; Carlson and Newman voting 'no'; Krieser and Taylor absent).

FINDINGS OF FACT:

1. The staff recommendation to deny the waiver of the pedestrian way easement is based upon the "Analysis" as set forth on p.3-5, concluding that the Land Subdivision Ordinance required this easement pursuant to §26.23.125 because the length of this block exceeds the maximum of 1,000 feet. This easement provides the most direct and convenient pedestrian access to South 40th Street from homes on Old Dominion Road and Old Dominion Court.
2. The applicant's testimony is found on p.6-9, and the petition submitted by the applicant in support is found on p.14. This is an easement whereupon a sidewalk was to have been constructed in 1995, three years prior to the time that the applicant purchased his lot. The applicant contends that the easement/sidewalk is not needed and its extension east to 40th Street would be difficult to construct due to the terrain.
3. Other testimony in support is found on p.7, and the record consists of one letter in support from the developer, Robert Hampton (p.20-21).
4. The hearing was continued for two weeks to allow the staff time to investigate the feasibility of constructing the sidewalk. The response and photographs submitted by Public Works & Utilities are found on p.16-19, indicating that the sidewalk could be constructed.
5. There was no testimony in opposition.
6. On April 16, 2003, a motion to deny the waiver failed 3-4 (Carlson, Newman and Steward voting 'yes'; Larson, Bills-Strand, Duvall and Schwinn voting 'no'; Krieser and Taylor absent).
7. On April 16, 2003, the Planning Commission voted 5-2 to disagree with the staff recommendation and recommend approval of the waiver request (Larson, Bills-Strand, Duvall, Steward and Schwinn voting 'yes'; Carlson and Newman voting 'no'; Krieser and Taylor absent).

FACTSHEET PREPARED BY: Jean L. Walker

DATE: April 21, 2003

REVIEWED BY: _____

DATE: April 21, 2003

REFERENCE NUMBER: FS\CC\2003\WVR.03002

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Waiver #03002

DATE: March 14, 2003

SCHEDULED PLANNING COMMISSION MEETING:

DATE: April 2, 2203

PROPOSAL: Waive the requirement for a pedestrian way easement and eliminate the construction of a sidewalk in the easement.

LAND AREA: The easement is 5' wide by approximately 125' long, containing 625 sq. ft., more or less.

CONCLUSION: The Subdivision Ordinance required this easement pursuant to LMC §26.23.125 because the length of this block exceeds the maximum of 1,000'. This easement provides pedestrian access to South 40th Street from Old Dominion Road.

RECOMMENDATION:

Denial

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 8, Block 1, Williamsburg Village 12th Addition, located in the SE 1/4 of Section 18-9-7, Lancaster County, Nebraska.

LOCATION: South 40th Street and Pine Lake Road

APPLICANT: Michael Patterson
3851 Old Dominion Court
Lincoln, NE 68516
421.9657

OWNER: Same as Applicant

CONTACT: Same as Applicant

EXISTING ZONING: R-3 Residential

EXISTING LAND USE: Single Family Residential

SURROUNDING LAND USE AND ZONING:

North:	Single Family Residential	R-3 Residential
South:	Open space with trail	R-3 Residential
East:	Single Family Residential	R-3 Residential
West:	Single Family Residential	R-3 Residential

HISTORY:

- Apr 1995 Final Plat 95008 platted this lot as part of Williamsburg Village 12th Addition. At the time of final platting, the pedestrian way easement was moved from the adjacent lot to the north to its current location.
- Apr 1990 Preliminary Plat 90101 approved for the Williamsburg Village PUD. On this Preliminary Plat, the easement is shown on the adjacent lot to the north.
- May 1979 Before the 1979 zoning update, this property was zoned A-2 Single Family Dwelling. As part of the update, the zoning changed to R-3 Residential.

COMPREHENSIVE PLAN SPECIFICATIONS:

The 2025 Comprehensive Plan shows this area will remain Urban Residential.

Interconnected networks of streets, trails and sidewalks should be designed to encourage walking and bicycling, reduce the number and length of automobile trips, conserve energy and for the convenience of the residents. (F 18)

Overall Guiding Principles for Residential Development:

Transit, pedestrian, and bicycle networks should maximize access and mobility to provide alternatives and reduce dependence upon the automobile. (F 66)

Interconnected networks of streets, trails and sidewalks should be designed to encourage walking and bicycling and provide multiple connections within and between neighborhoods. (F 66)

Neighborhoods, activity and employment centers, rural communities, and open lands will be connected by a continuous network of public ways. (F 87)

The concept of balance also applies to methods of transportation. While the system must function well for motor vehicles, it should also establish public transportation, bicycling, and walking as realistic alternatives now and in the future. (F 87)

Pedestrians should be able to walk in a direct path to destinations like transit stops, schools, parks, and commercial and mixed-use activity centers. (F 90)

TRAFFIC ANALYSIS:

The 2025 Comprehensive Plan classifies the internal streets within Williamsburg Village as local streets now and in the future. This easement provides access to South 40th Street. The Comprehensive Plan identifies South 40th Street as a Minor Arterial now and in the future.

ANALYSIS:

1. The pedestrian way easement on Applicants property has not been paved. This easement provides access to South 40th Street and a neighborhood trail from Old Dominion Court. At the edge of Applicant's property, a pedestrian easement on Outlot D connects Applicant's easement to South 40th Street. The attached aerial shows the neighborhood trail also runs nearly adjacent to the end of Applicant's easement.
2. This easement was required due to the excessive length of the Old Dominion Road and South 38th Street block between Williamsburg Drive and Pine Lake Road. The City's interest

in this easement was to provide appropriately spaced pedestrian connections between Old Dominion Road and South 40th Street.

3. The Lancaster County Register of Deeds filed Williamsburg Village 12th Addition on May 16, 1995. The plat shows this easement on Applicant's property.
4. LMC §26.11.040 requires paving pedestrian way easements when the developer surfaces adjacent streets. If they paved this one along with the adjacent street, Applicant would have fully understood their responsibility to provide and maintain this easement. However, the developer is now intent on paving this easement, and has notified Applicant that such work will be completed soon.
5. The subdivision ordinance provides for waivers in the event that "the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual condition that the strict application of the requirements contained in these regulations would result in actual difficulties or substantial hardship or injustice." (LMC §26.31.010)
6. Applicant states this easement is redundant because of access to the trail off South 38th Street and from Williamsburg Drive. However, the Comprehensive Plan specifically states that guidelines for residential development include maximizing pedestrian access and mobility, and providing multiple connections within neighborhoods.
7. Applicant states this easement is unnecessary due to lack of demand to reach the neighborhood trail from their cul-de-sac or property. However, without this easement being paved, many pedestrians are unlikely to know of its existence.
8. In Leesburg Court, the neighboring cul-de-sac, the developer granted a pedestrian way easement on a lot, again due to excessive block length. The attached aerial shows they did not connect the easement to either South 40th Street or the trail at the time the easement was paved. A paved sidewalk has been installed connecting this easement with South 40th Street, although it does not follow the approved easement route. The trail has not been connected to this easement. A footpath can be seen, worn in the grass, leading from the easement in Leesburg Court to the neighborhood trail. This suggests the easement over Applicant's property would be used as well.
9. The Subdivision Ordinance does not require pedestrian way easements merely to meet demand. The ordinance requires them, consistent with the Comprehensive Plan, to provide multiple opportunities for pedestrians to navigate their neighborhoods and reach their destinations.
10. The Public Works and Utilities Department does not support this application for the reason that elimination of this easement will create a block length which exceeds the maximum allowable block length of 1,000'.
11. The Parks and Recreation Department has no comment on this request since it is outside of their jurisdiction.

12. The Building and Safety Department has not commented on this application.

Prepared by:

Greg Czaplewski
Planner

WAIVER NO. 03002

PUBLIC HEARING BEFORE PLANNING COMMISSION:

April 2, 2003

Members present: Steward, Carlson, Bills-Strand, Larson, Taylor, Duvall and Schwinn; Krieser and Newman absent.

Staff recommendation: Denial.

There were no ex parte communications disclosed.

Support

1. Michael Patterson, 3821 Old Dominion Court, testified in support. He has lived in Lincoln 5 years. He purchased his lot in 1998 and the house was built in 1999. The plat for this neighborhood was designed in 1995. There have been a tremendous number of changes during this time. For example, there is a retirement center directly behind his home which was originally platted to be townhomes; South Pointe has been developed; there is a new access underneath Pine Lake Road, etc. In approximately one-half of the circumference of the path there are 8 entry points to access the path (approximately one entry point for every 1/10th of a mile). The people who would access the sidewalk in question the most would be the residents on their cul-de-sac.

Patterson submitted a petition of the neighbors, all being aware of the intent to waive the pedestrian easement/sidewalk, and all of them have signed saying they would oppose the construction of a sidewalk. Given the many changes over 8 years, they would like to see more trees and grass. The members of the cul-de-sac have to walk approximately 1/10th of a mile to the first access point on 38th Street. To access another point on Williamsburg Drive, they have to walk approximately .14 mile. He does not believe this is disagreeable. He disagrees with the staff analysis that the sidewalk would be used if it were built. Originally, the sidewalk was to be built based on a sidewalk access from 40th Street that would connect from 40th to the path on Williamsburg Drive. Since that time, there is a retirement center behind their homes instead of townhomes.

In addition, Patterson submitted that the terrain is probably unforgiving in allowing a path to be completed. The Planning Department even acknowledged that this would be difficult. The developer has no intention of building a sidewalk on 40th Street to connect to the path. It is a steep drop-off and there is a flow liner so it would be very difficult to construct a sidewalk.

Steward inquired whether Patterson was aware of the easement when he purchased the property. Patterson indicated that he was not made aware of that but he takes responsibility as "buyer beware". However, it was supposed to have been constructed in 1995, and he purchased his lot in 1998.

Carlson asked Patterson how the residents will get service to the trail. Patterson stated that Blue Ridge Lane to 38th is just 1/10th of a mile. Then from his house to Williamsburg Drive it is .14 mile. Carlson believes that the trail easement from Old Dominion Court to the trail would be 150'. The

sidewalk on the south edge of Blue Ridge Lane does not show on the aerial but Greg Czaplewski of Planning clarified that there is a sidewalk there now.

Steward asked Patterson to clarify his comments about the difficulty in building the sidewalk. Patterson's information is based on two conversations that his wife had with the Planning Dept. and with the developer. It appears that the rationale for the sidewalk on this easement was that there would be a sidewalk on 40th Street that would connect to the path and it is that sidewalk that would be difficult to build because of the terrain, etc.

2. Colleen Jones, 3820 Old Dominion Court, testified in support of the waiver. The sidewalk would be between their her property and the Patterson property. All of the homeowners on the cul-de-sac have access to the path from their own property by walking on their own grass. She does not believe the sidewalk is necessary. She was not aware of this public easement when she purchased her home either.

There was no testimony in opposition.

Larson asked staff to explain the recommendation of denial. Greg Czaplewski of Planning staff stated that this easement was required pursuant to the subdivision ordinance because of excessive block length. It was required to provide access from Old Dominion to South 40th. The easement, while it does tie to the trail, also attaches to another easement over this outlot that eventually connects to South 40th Street.

Schwinn pointed out that there is no sidewalk to South 40th Street. Czaplewski agreed, but there is an easement that exists and the developer has the obligation to put it in. It should have been done when the adjacent streets were constructed.

Carlson believes this is a link in the system that gets you from Old Dominion Court to 40th Street. It appears to Larson that the sidewalk would only service the people in the cul-de-sac. Czaplewski believes it would provide any residents in the area with access to South 40th Street. Larson noted that the sidewalk does not extend to the street on the west. Czaplewski pointed out that part of the neighborhood trail connects to South 38th Street.

Steward is concerned because he believes there are two issues: 1) the easement, which was previously approved, and 2) the reticence of the developer to put the required sidewalks in. If they had been constructed in a timely fashion, this question would not be before the Commission, and the property owners would have had the sidewalks on the property when they made the decision to purchase. Czaplewski advised that the developer has indicated they would be paving the easement and that is what has precipitated this waiver request.

Bills-Strand noted that there is a huge terrain issue at Savannah Pines. At the intersection of 40th and Pine Lake Road on the northwest corner, it is really high in one part and then drops down a lot lower in the other part. How will you construct this sidewalk? Czaplewski suggested that the easement was granted, so he assumes the developer had some provision in mind to provide the sidewalk. Bills-Strand believes it is a four to six foot drop. Ray Hill of Planning staff suggested that if the Planning Commission would desire to hold this over, the staff could do some research and

investigation on the issue. Schwinn believes this would be beneficial because we are looking at dated photographs, etc. Czaplewski confirmed that there is a sidewalk on 40th Street.

Response by the Applicant

Patterson does not believe Hampton Development is aware of any obligation that the developer may have to provide that sidewalk. Hampton also told his wife that it would be very difficult to build the sidewalk because of the terrain. Patterson sees no basis for putting the sidewalk on the easement on his property, especially if the abutting owners are willing to walk through their yards to get to the path.

Schwinn pointed out that page 118 of the agenda shows the easement which is a requirement of the developer.

Steward moved to defer for two weeks, with continued public hearing and administrative action on April 16, 2003, seconded by Bills-Strand and carried 7-0: Steward, Carlson, Bills-Strand, Larson, Duvall, Taylor and Schwinn voting 'yes'; Krieser and Newman absent.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

April 16, 2003

Members present: Larson, Carlson, Bills-Strand, Duvall, Newman, Steward and Schwinn; Krieser and Taylor absent.

Staff recommendation: Denial.

Greg Czaplewski of Planning staff submitted an email and photographs from Public Works Department regarding ability for the developer to pave this easement. Generally, the conclusion of Public Works is that the grade is less severe than other areas of pavement. The photographs show the neighborhood trail behind the applicant's house looking toward South 40th Street; and looking from the trail back up toward the cul-de-sac where the applicant lives. There is also a view from 40th Street back toward the applicant's property. The adjacent cul-de-sac, Leesburg Court, has a similar pedestrian easement which has been connected to South 40th Street.

Czaplewski also showed where the easement is located, which was filed with the original plat. Public Works has determined that this easement could be paved. It would not line up with the sidewalk from Leesburg Court, so potentially it could be altered to connect.

Proponents

1. Michael Patterson, 3821 Old Dominion Court, the applicant, referred to an email which he sent on April 10th enumerating the reasons for not wanting the sidewalk constructed. (**Editorial Note:** This email was not submitted for the record and the Planning Department did not receive a copy). Patterson also referred to the letter submitted by Robert Hampton dated April 10, 2003, in support of the waiver request, reiterating the same points that Mr. Patterson has made. From a personal perspective, Patterson stated that if the sidewalk was to have been constructed, it should have been done in 1995 when approved, instead of 8 years later. There are access points to the path

approximately every 1/10th mile around the neighborhood. He fails to see why this sidewalk is necessary. He believes the sidewalk is redundant. As Robert Hampton points out, there is almost no demand for access from 40th Street since 40th Street has become a 4-lane highway and three corners of Pine Lake Road are basically commercial uses.

Bills-Strand believes there is a connection provided by the sidewalk off the west side of 40th that goes down to Leesburg Court.

Carlson moved to deny, seconded by Steward.

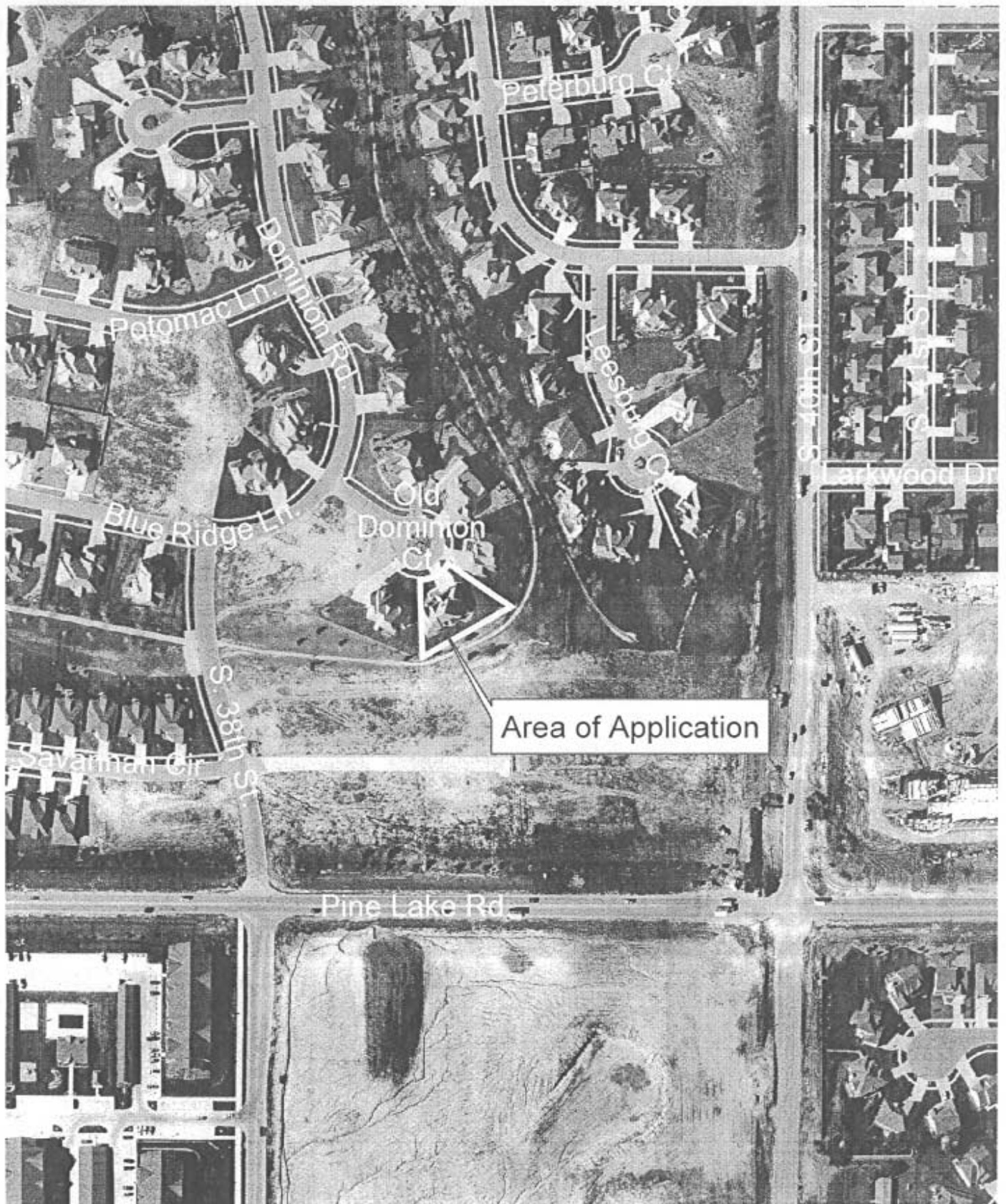
Carlson is not sure he understands the argument that the sidewalk is not used because the sidewalk is not there. 1/10th of a mile is probably at least a couple of blocks. It is his opinion that it makes sense to have a pedestrian way to get from Old Dominion Court out to the trail. There are two sections that need to be put in. Both sections are supposed to be constructed. We need to have a way for people to access the trail and have a way back to the street.

Steward agreed. Title searches should have revealed that this was a dedicated easement approved with the original plat, and there was logic behind that decision. We have one letter from Hampton that says they are prepared to construct the sidewalk in two weeks, and then we another letter from Hampton that says it is impractical to construct. He believes it is an economic issue and not a planning issue.

Schwinn will support the neighbors on this issue. He does not believe the street is that far away in terms of getting to the bike path. This is not a serious mode of transportation like getting to and from work. Most of the people will be walking for exercise anyway, so walking around the block instead of straight through the block will provide more exercise.

Motion to deny failed 3-4: Carlson, Newman and Steward voting 'yes'; Larson, Bills-Strand, Duvall and Schwinn voting 'no'; Krieser and Taylor absent.

Bills-Strand moved approval, seconded by Duvall and carried 5-2: Larson, Bills-Strand, Duvall, Steward and Schwinn voting 'yes'; Carlson and Newman voting 'no'; Krieser and Taylor absent.

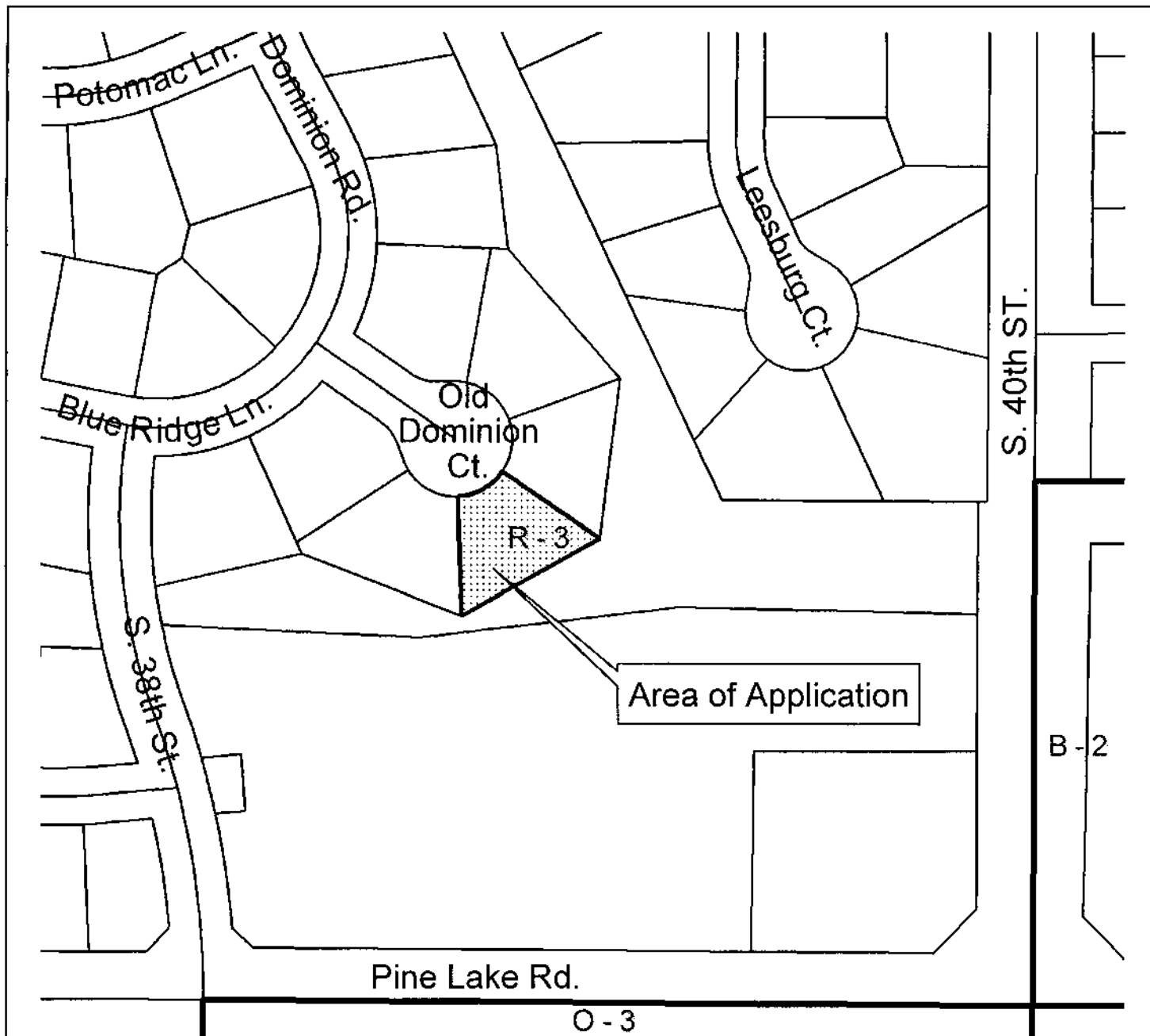


Waiver #03002
S. 40th & Pine Lake Rd.



010

Lincoln City - Lancaster County Planning Dept.
 1999 aerial



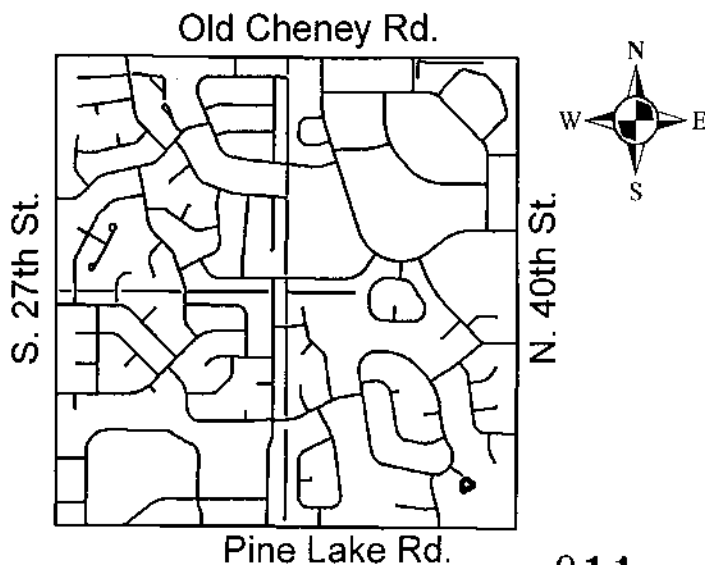
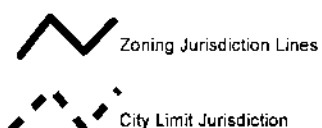
Waiver #03002

S. 40th & Pine Lake Rd.

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

**One Square Mile
Sec. 18 T9N R7E**



011



Dedicated to creating the finest neighborhoods.

February 24, 2003

Michael C. & Linda A. Patterson
3821 Old Dominion Ct.
Lincoln, NE. 68516

Dear Mr. & Mrs. Patterson:

Recently, in an effort to get our escrows released by the city, we discovered that Hampton Development Services still has some outstanding obligations that need to be addressed. One of the obligations that we are required to fulfill is the installation of a 5 foot pedestrian sidewalk that needs to be placed in the existing 5 foot pedestrian easement that is on your lot. Attached is a copy that shows your lot and the pedestrian easement that we are referring to. This is a courtesy letter to give you advance notice that it is our intention to install this sidewalk at our first opportunity. Hopefully we can accomplish this in the next couple of weeks depending on the weather.

If you have any questions please feel free to give me a call.

Sincerely,



Fred J. Matulka

Hampton Development Services, Inc.

3600 Village Drive, Suite 140 ♦ Lincoln, Nebraska 68516

Office: (402) 434-5650 ♦ FAX: (402) 434-5654

Email: hds@hamptonlots.com ♦ Web Site: www.hamptonlots.com

CB=S 05°50'39" E

⑤
 $\Delta=09^{\circ}32'53"$
R=50.00
L=8.33
T=4.18
LC=8.32
CB=N 15°05'11" E

⑥

$\Delta=20^{\circ}31'34"$
R=850.00
L=304.51
T=153.90
LC=302.88
CB=S 10°15'47" E

ADDITION

S 00°17'56" E
35.05

S 00°45'08" W 417.76

SOUTH

S 45°22'34" W
35.59

SE CORNER OF
SECTION 18-9-7

ROAD

OUTLOT "E"
(6.66 Acres)

(THIS AREA IS RESERVED FOR THE FUTURE
DEVELOPMENT AFTER PLATTING AND SUBDIVISION
IN ACCORDANCE WITH THE APPROVED FINAL PLANNED
UNIT DEVELOPMENT ON FILE WITH THE CITY OF LINCOLN)

EAST
SAVANNAH
CIR.

1871.86

N 90°00'00" E - 981.54

SHEET 1 OF 2

013

MIKE PATTERSON

3821 OLD DOMINION CT.
LINCOLN, NE 68516 PHONE 421-9657

Lincoln Planning Department
555 So. 10th St. #213
Lincoln, NE 68508

February 27, 2003

RE: Waiver for Sidewalk Construction on Lot Eight(8), Block 1, Williamsburg Village, 12th Edition

This letter and accompanying signatures is a formal request to the Planning Department to waive the construction of a sidewalk on an easement on my lot as described in a letter to me by Hampton Development Services dated February 24, 2003 (see attached).

My wife and I purchased this lot in August 1998 and moved into our home in February 1999. When we purchased the lot, there was no disclosure to us of potential sidewalk construction on the easement. Since February 1999, there has been virtually no demand to access the path encircling the Williamsburg development from our cul de sac or property. This is due to easy access to the path from 38th Street, Savannah Pines Retirement Center, and Williamsburg Drive. We believe the proposed construction is redundant and unnecessary.

A copy of this letter will serve as a notice to Hampton Development Services to delay installation of the footpath until the Planning Committee has determined a ruling.

Below is a list of cul de sac residents who believe that the requirement to install a footpath should be waived.


Colleen Jones

3820 Old Dominion Ct.

423-1659


John and Deb O'Connor

3811 Old Dominion Ct.

421-1663


Kent and Melissa Folsom

3810 Old Dominion Ct.

420-2141


Terry and Cindy Olson

3800 Old Dominion Ct.

420-1255


Shashi and Sheffei Verma

3801 Old Dominion Ct.

423-7698


Tom and Lisa Blankenau

6754 Old Dominion Rd.

420-1002

Thank you for your attention to this matter and we look forward to an early response.

Michael C. and Linda A. Patterson



Enc., copy Hampton Development Services

M e m o r a n d u m

To: Greg Czaplewski, Planning Dept.

From: Bruce Briney, Public Works and Utilities

Subject: Waiver #03002, Williamsburg Village 12th Addition
Waiver for Construction of Sidewalks in a Pedestrian Easement

Date: March 14, 2003

cc: Nicole Fleck-Tooze
Randy Hoskins
Harry Kroos
Doug Blum

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the application for Waiver #03002 for Lot 8 Block 1 in Williamsburg Village 12th Addition requesting a waiver for the construction of sidewalks in the pedestrian easement. Public Works has the following comment:

- Public Works does not support the application for Waiver #03002. The elimination of the sidewalk in this pedestrian easement creates a block which exceeds the maximum allowable block length of 1000'.

 Harry B Kroos

04/15/2003 11:24 AM

To: Gregory S Czaplewski/Notes@Notes

cc: Dennis D Bartels/Notes@Notes

Subject: Pedestrian Easement Sidewalk Williamsburg & Savannah Pines



MVC-013S.JPG



MVC-016S.JPG



MVC-017S.JPG

Greg:

I've attached several photos of the pedestrian easement locations at Old Dominion Court and Leesburg Court.

The 1st photo shows the area looking east toward 40th and the 3rd shows the area looking west from 40th. The 2nd photo shows the area of the pedestrian easement where the property owner is requesting the waiver.

Although Hampton Development is indicating their reluctance to complete the connection as originally proposed, the sidewalk could be completed with some grading and landscape work. I do not see where it would require extensive grading and the grades would not be as steep as some of the other pedestrian sidewalks in the area. The sidewalk could follow along the bottom area of the berm which was placed with the Savannah Pines work.

I thought the easement walk along the outlot area of Williamsburg 12th Addition had been completed and then possibly removed with the Savannah Pines Construction, but in reviewing the aerial photos taken in 1977 and 1999 they do not show that this connection was completed.

If you need additional information please contact me.

Harry Kroos









Stone Bridge Creek
Williamsburg Village

North Creek
Ridge Pointe

Valley Heights
Thompson Creek

Dedicated to creating the finest neighborhoods.

IN SUPPORT

ITEM NO. 4.1: WAIVER NO. 03002
(p.11- - Cont'd Public Hearing - 4/16/03)

April 10, 2003

cc: Dennis Bartels
Applicant
Rick Peo

TO: All Members of the Planning Commission

RE: Vacation of Williamsburg Village Pedestrian Walk

Dear Members of the Planning Commission:

I watched the Planning Commission meeting last Wednesday regarding the neighbor's request to vacate the pedestrian easement adjacent to Mike Patterson's lot. My reason for this letter is to let you know that we are supportive of the neighbor's request to vacate the easement.

When Savannah Pines was proposed, we worked with the Williamsburg Village neighbors and the City to move the building away and build large berms to screen the building. This proposed path to connect to 40th Street was never considered, wanted, or discussed by anyone.

The reasons to delete this required easement are many. The most fundamental being that people will not use it. The people that do utilize the bike paths walk the entire mile or more for exercise. I live and work in Williamsburg Village so I have witnessed how people use it. It's a wonderful bike path that I as well as many others enjoy using a lot all 4 seasons of the year.

The sidewalk from Leesburg Court has been installed and it has a walk connected to South 40th Street. Very few people use this path to 40th Street. It is only one block to get to the main path from Old Dominion Court so the use of that sidewalk is minimal at best. Another reason to vacate the easement is that the proposed walk will simply not work with the grades and the need to have it go over a flow liner drainage way. If there were a genuine need for the sidewalk, there would be a noticeable path in the grass, which there is not. The fact is that there is simply no walking traffic through this area.

I hope you will agree with all of us and understand that this sidewalk is not wanted or desired. I respectfully request that you vote to delete this and allow the release of my posted escrows.

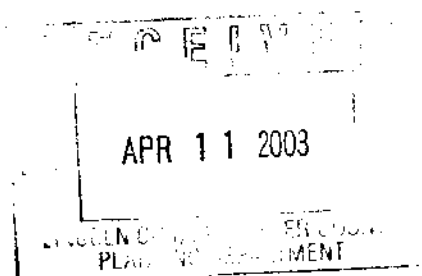
Sincerely yours,

A handwritten signature in black ink, appearing to read 'Robert D. Hampton', written over a horizontal line.

Robert D. Hampton
President

cc. Mike Patterson
Fred Matulka

Enclosure

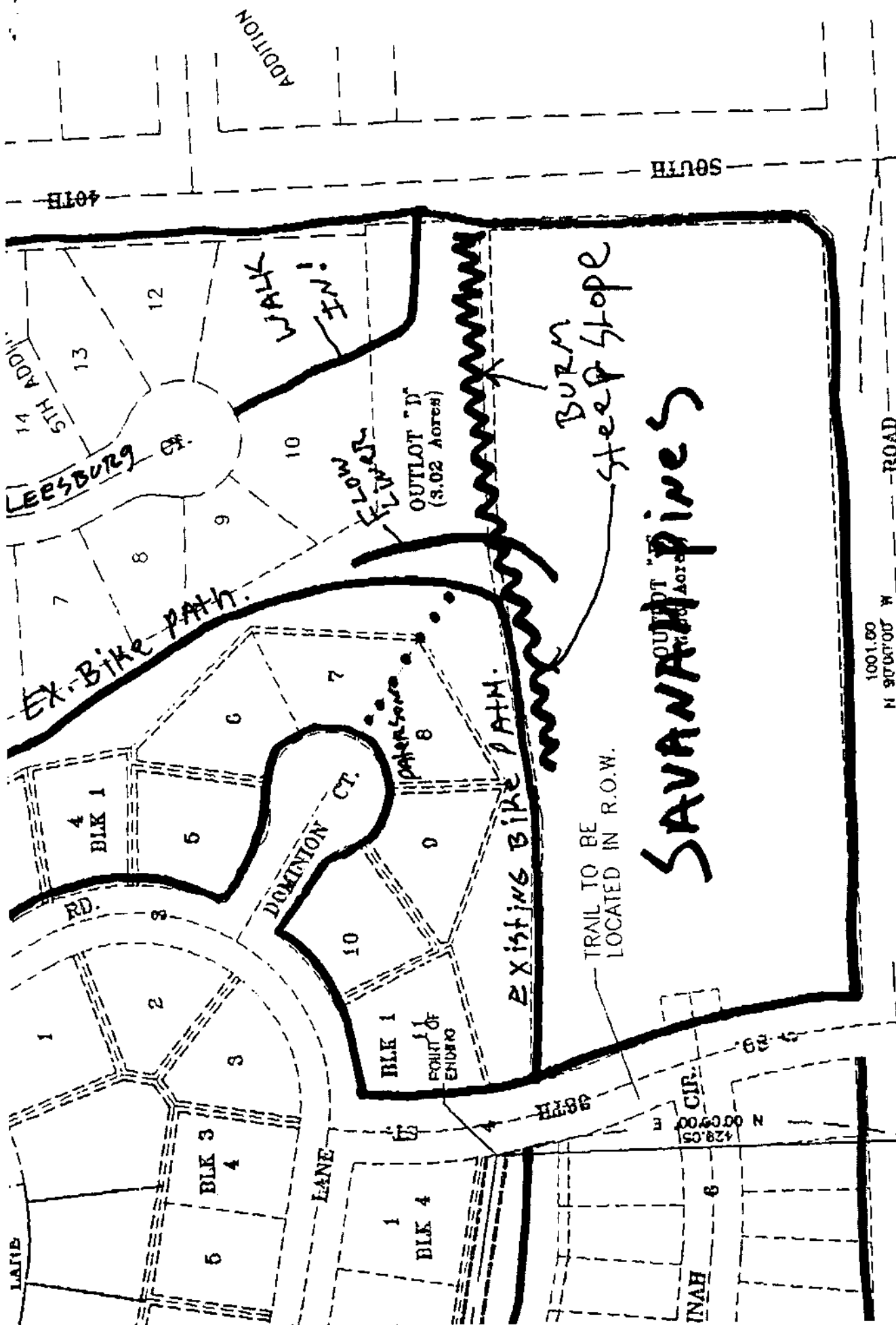


Hampton Development Services, Inc.

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Office: (402) 434-5650 ♦ FAX: (402) 434-5654

Email: hds@hamptonlots.com ♦ Web Site: www.hamptonlots.com



PINE LAKE RD.

PROPOSED PATH